PART IV

Section 2-C—(ii)

STATUTORY ORDERS ISSUED BY THE STATE GOVERNMENT UNDER THE CENTRAL ACTS AND STATE ACTS.

GOVERNMENT OF MYSORE.

LABOUR AND MUNICIPAL ADMINISTRATION DEPARTMENT (LABOUR).

Labour Dispute.—Industrial Dispute between the workmen and the management of udevara Estate, A Block, Arehalli Post. Chickmagalur District.

Award of the Industrial Tribunal, Bangalore—published.

Read the following Papers :

(I) Letter No. I. T. 2581-3/66-67, dated 21st February 1967, from Shri A Panchakshariah, Presiding Officer Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL IN MYSORE, BANGALOE.

Dated 21st February 1967.

Present.

Sri A. Panchakshariah ,B. A., (Hons) L. L. B., ... Presiding Officer

I. D. No. 77 of 1966.

Workmen of Udevara Estate 'A' Block, Are halli Post, Hassan District. ... *I Party.*

Vs.

Management of Udevara Estate 'A' Black, Arehalli Post, Chickmagalur District. ... *II Party,*

Appearances.

For I Party:—Sri M. V. Bhaskar, Vice-President, Karnataka Provincial Plantation Workers' Union, Chickmagalur.

For II Party:—None appeared.

Reference.

G. O. No. LMA 79 LLD 66, Bangalore. dated 21/30th March 1966.

AWARD.

Under Section. 10 (1) (d) of the Industrial Disputes Act, 1947 the Government of Mysore, in their Order No. LMA 97 LLD 66, dated 30th March 1966, have referred certain points of dispute said to be existing between the workmen and management of Udevara Estate 'A' Block, Arehalli Post, Chickmagalur District, to this tribunal for adjudication. Bonus is claimed for the year 1962 63 by the workmen at 50 per cent of the net profits subject to a minimum of one month's wages irrespective of the profit or loss sustained by the II Party.

2. The case was registered as I. D. No. 71 of 1966 and notices were taken out to the I Party to file its claim statement. The I Party filed a claim statement on 6th May 1966. The I Party is represented by the Vice-President of the Karnataka Provincial Plantation Workers' Union, Chickmagalur. The I Party contends that for the year 1962-63 the II Party has made good profits and is in a position to pay bonus at not less than 50 per cent of the net profit or in the alternative to pay the minimum bonus of one month's wages. As against this the II Party, though several chances were given, has not filed the counter statement. On several occasions adjourment was given only with the hope of getting the counter statement from the II Party. The case was taken up on 10th October 1966 and 11th October 1966 at my Chickmagalur Camp and the II Party was directed to file its counter statement. On both these hearings the II Party was absent. However, the case was again adjourned to 16th and 17th January 1967 at my Hassan camp and accordingly both the parties were notified. On 16th and 17th of January 1967 again the II Party did not care to file any counter statement. Again the case was taken up on 13th February 1967 at my Chickmagalur Camp. Again both the parties were absent and no inter statement was filed by the II Party. This only goes to show, that the II Party is not anxious to contest the claim of the I Party for bonus for the year 1962-63. It was the duty of the I Party to have established what that net profit was for the year 1962-63 if the I Party were really anxious to claim 50% of the net profit as bonus. The I Party has failed to substantiate this point. However, as the claim of the I Party for a minimum bonus has not been refuted by the II Party. I hold that the I Party workmen are each entitled to a minimum bonus of or 4 per cent of the total earnings of each worker, Rs. 40/-for the year 1962-63.

3. Accordingly I make an award holding that the I Party workmen are each entitled to a minimum bonus of Rs. 40 or 4 per cent of their total earnings, for the year 1962–63. But, regarding total earnings of each worker, there is no evidence. Therefore I make an award that each one of the I Party workmen is entitled to get a minimum bonus of Rs. 40 from the II Party for the year 1962–63. There will be no orders as to costs.

A. PANCHAKSHARIAH,
Presiding Officer,
Industrial Tribunal,
Bangalore.

ORDER

Bangalore datee 28th February 1967.

S. O. 691 .—WHERREAS by State Government Order No. PLM 79 LLD 66, dated 30th March 1966 the Industrial Dispute between the workmen and the Management of Udevara Estate 'A' Block, Arehalli Post, Chickmagalur District was referred to the Industrial Tribunal, Bangalore for adjudication.

AND WHEREAS the Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute ;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette*.

[No. LMA 79 LLD 66.]

By Order and in the name of the Governor of Mysore,

3108 G. G. PROUTH, *Under Secy.*